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Tuesday, June 04, 2019

The Honorable Riece Buchwald
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 Pearl Street
New York, New York 10007
Attention: Court Clerk

Re: Sagne, Soulema vs. Shirley Express LLC, Cantos
Our File No.: KK11004
Case No.: 1:19-cv-00423

Dear Judge Buchwald:

The undersigned attorneys' for the respective parties have conferred and submit this joint status letter in accordance with Your Honor's directives following the March 5, 2019 initial pretrial conference. The parties have exchanged their Rule 26 initial disclosures and all medical records in the Plaintiff counsel's possession.

As Your Honor may be aware, this matter arises from a July 21, 2017 motor vehicle collision in which the truck owned and operated by the defendants came into contact with a truck operated by plaintiff, Soulema Sagne. As a result of the incident, it is alleged that Mr. Sagne sustained soft tissue injuries to his neck and back including an annular tear and disc herniation at the L2/3 level; annular tear with disc herniation at the C5/6 and C6/7 level, and cervical radiculopathy. Mr. Sagne's medical treatment is ongoing and, according to plaintiff's counsel, the plaintiff is seeing a surgeon on June 5, 2019. Based on a review of the medical records exchanged to date, as well as the results of an ISO ClaimSearch, the undersigned attorneys for defendants contend that Mr. Sagne's neck and back injuries pre-existed the subject motor vehicle accident.

In light of the above, plaintiff's counsel is not willing to reduce his \$5,000,000 demand and therefore it appears discovery is necessary. Once the plaintiff consults with his spinal surgeon the parties may be in a better position to discuss settlement, however at this juncture settlement is not an option given the settlement demand.

As such, the parties collectively request that a second joint status letter be submitted to the Court on September 11, 2019, advising Your Honor of the plaintiff's treatment status and the possibility of submitting the case to the Southern District's ADR program.

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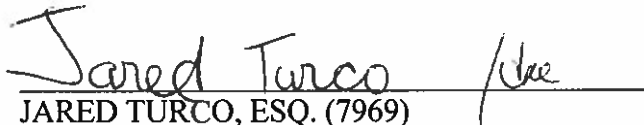
The Court's time, attention and consideration is appreciated.

Very truly yours,

BUDIN, REISMAN, KUPFERBERG & BERNSTEIN, LLP



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